

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ABDIQAFAR WAGAFE, *et al.*, on behalf
of themselves and others similarly situated,

Plaintiffs,

v.

DONALD TRUMP, President of the
United States, *et al.*,

Defendants.

No. 2:17-cv-00094-RAJ

**DECLARATION OF SAMEER AHMED
IN SUPPORT OF PLAINTIFFS'
MOTION TO COMPEL**

I, Sameer Ahmed, hereby declare:

1. I have personal knowledge of the facts stated below and am competent to testify regarding the same. I am one of the attorneys for Plaintiffs in this matter, *Wagafe v. Trump*, No. 17-cv-00094 RAJ.

2. Despite the Court's orders, Defendants continue to withhold information showing why the Named Plaintiffs were subjected to CARRP.¹ Attempting to resolve the parties' dispute without Court involvement, Plaintiffs offered to compromise further by agreeing that Defendants could produce these documents under a heightened Attorneys' Eyes Only protective order.

Attached as **Exhibit A** is a true and correct copy of an email sent on September 21, 2018 by

¹ Defendants refuse to acknowledge publicly whether the Named Plaintiffs were subjected to CARRP. However, the Named Plaintiffs all plausibly alleged in the Complaint that their applications were subjected to CARRP. Therefore, to the extent their applications were subjected to CARRP, Defendants should provide the information regarding why, as the Court has already ordered.

1 Defendants' counsel rejecting Plaintiffs' proposal to disclose this information on an Attorneys'
2 Eyes Only basis.

3 3. Although counsel for Plaintiffs represent two classes and have access to a class
4 list, they are unable to communicate directly with class members. We have proposed posting a
5 public notice, so that potential class members can provide relevant information to use in this case
6 in a way that protects Defendants' purported security concerns. Attached as **Exhibit B** is a true
7 and correct copy of an email sent on August 8, 2018 by Plaintiffs' counsel proposing to post a
8 notice to potential class members.

9 4. The proposed notice only includes publicly available information and requests
10 that potential class members contact class counsel if they believe they have information that
11 could assist in prosecuting the claims in this case. Following the Court's order at Dkt. 183, the
12 proposed Notice also explicitly states that "the Court has ordered that class counsel cannot
13 publicly disclose whether anyone is a class member and/or whether a particular application has
14 been subject to CARRP," and that "class counsel would not be able to contact you to provide you
15 any information about your application absent further order from the Court." Attached as
16 **Exhibit C** is a true and correct copy of the Notice to Potential Class Members that counsel for
17 Plaintiffs propose to post.

18 5. Attached as **Exhibit D** is a true and correct copy of an email sent on August 15,
19 2018 by Defendants' counsel stating that they would not consent to Plaintiffs' proposed notice.

20 6. Attached as **Exhibit E** is a true and correct copy of an email sent on August 21,
21 2018 by Plaintiffs' counsel asking Defendants why they do not consent to posting the notice. The
22 email noted that all of the information contained in the proposed notice is from publicly available
23 documents and that the notice is consistent with the Court's order at Dkt. 183.

24 7. The parties met and conferred telephonically, after which Plaintiffs' counsel sent
25 an email addressing the concerns Defendants had raised about the proposed Notice. Attached as
26 **Exhibit F** is a true and correct copy of the email sent on September 14, 2018 by Plaintiffs'

1 counsel explaining that they would not provide information to individuals who respond to the
2 notice absent further order from the Court, and that if contacted by potential class members,
3 Plaintiffs' counsel will adhere to the Court's order at Dkt. 183, provide the individuals with
4 copies of the notice, and inform them that counsel cannot confirm or deny whether they are class
5 members.

6 8. Attached as **Exhibit G** is a true and correct copy of Plaintiffs' Fifth Set of
7 Requests for Production of Documents served on August 24, 2018. RFP No. 53 requests that
8 Defendants produce a random sample of 100 class members' A-files.

9 9. Attached as **Exhibit H** is a true and correct copy of Defendants' Objections and
10 Responses to Plaintiffs' Fifth Set of Requests for Production of Documents served on October
11 16, 2018. Defendants contend that producing the requested A-files would be too burdensome.

12 10. Plaintiffs have offered to compromise on this issue, such as accepting a smaller
13 number of A-files or, if Defendants allowed them to post the proposed Notice of Potential Class
14 Members, only seeking the A-files of class members who provide Plaintiffs' counsel with
15 relevant information. Defendants have rejected these suggested compromises and have
16 expressed they would not produce any additional A-files.

17
18 EXECUTED this 21st day of February, 2019, at Los Angeles, California.

19 /s/ Sameer Ahmed
20 Sameer Ahmed
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CERTIFICATE OF SERVICE

I certify that on the date indicated below, I caused service of the foregoing document via the CM/ECF system, which will automatically send notice of such filing to all counsel of record.

DATED this 21st day of February, 2019, at Seattle, Washington.

/s/ Cristina Sepe

Cristina Sepe, WSBA No. 53609

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